

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RENA D. STINSON

RECEIVED

PETITIONER,

2007 MAY 25 A 9:34

v.

No. 2:07-CV-225-WHA

STATE OF ALABAMA, et al.,
DISTRICT COURT
MIDDLE DISTRICT ALA

RESPONDENTS.

PETITIONER RESPONSE TO MOTION TO DISMISS

Now pending before this court is Petitioner Writ of Habeas Corpus filed March 14, 2007. As discussed in this response, the Petitioner has numerous constitutional claim that, through no fault of petitioner, is as yet unexhausted in the state courts. In light of that circumstance, Petitioner is asking the district court to maintain jurisdiction over the cause and free Petitioner from her unconstitutional confinement, as the evidence will show that is being provided that Petitioner has been treated with much prejudice, cause and miscarriage of justice by all parties involved.

Upon this Honorable Court completion of the enclosed documentation, still fill that Petitioner cause should be dismissed, Petitioner is requesting that the court allow petition be stayed and held in abeyance until the state court dispose of the numerous claims of ineffective assistance of of appointed counselor, paid trial counselor, paid sentencing and 1st appeal counselor, 2nd appeal counselor, the court the prosecution and the police department all violated Petitioner Constitutional rights in this cause as stated in present petition as petition will be amended to included

11)

the serious court errors that has been notice during this cause as of May 15, 2007 from the on-line case summary that Petitioner has obtained, etc. *Exhibit A, B*

Information provided in this response will also confirmed that Petitioner has given the state courts and opportunity to resolved this cause through motions for retrial, to show cause, to inform, listing all the Constitutional violations in the state petition for habeas corpus that was submitted to the state on January 29, 2007, and denied. Petitioner also submitted a motion to inform and for help and mercy to the court of criminal appeal, before a decision was made informing them of the Constitution violations, and the ineffectiveness of the appeal attorney.

Petitioner has diligently pursued this injustice conviction, sentencing, false imprisonment untiringly.

Petitioner will continue to pursue this injustice that has been done until Petitioner is vindicated of the charges she did not commit, as evidence was withheld by the prosecution and the montgomery police department that would have vindicated Petitioner.

PROCEDURAL HISTORY

A. Interrogation, Trial Proceedings and Direct Appeal

Petitioner was interrogated for these crimes, by Detective Roberts of the Montgomery Police Department. Detective Roberts informed Petitioner that he was interrogating Petitioner for crimes that involved two black females and a black man who were swindling elderly ladies out of their money. Detective Roberts had on his possession, two sets of pictures. One was a still shot photo of a black lady walking through a doorway and a white lady walking next or behind another black lady. He pointed to one of the ladies and stated, "that is you" I looked at the picture and immediately informed him, after meeting me personally can't you see that is not me in the photo. He looked and looked continue to curse, and threaten Petitioner and calling Petitioner lies and demanding the name of the other black lady who was in the picture. He stated if I did not admit to these crimes I would never see the streets of Montgomery and offered Petitioner less time. He also had a photo line-up of six pictures one included a blown up picture of Petitioner with changes made to Petitioner face. The reason my photo was able to be obtained for line-up was the fact that I was serving an 18-month sentence for writing checks on Petitioner on business and personal accounts as a result of a past gambling addiction and prior felonies because of it.

The still shot photo of the actual persons committing these crimes was not presented in court, only the photo line-up was submitted as evidence. Detective Roberts also mentioned he had DNA evidence that was sent to the lab. It did not show up in court. The same still shot photo Detective Roberts showed me was shown to the victims at the police department before he interrogated me. He used this picture alone with the alter photo line-up he showed me to obtain the victims signature at the police department. He stated I have four witnesses who have positive identified you as one of the persons committing these crimes.

Petitioner was appointed a court appointed attorney to represent Petitioner by the court on December 20, 2004, without Petitioner acknowledge and Petitioner was not notified of this appointment for months later. Attorney Durant who was appointed by Judge Hobbs continue to represent Petition without Petitioner knowledge, according to onli on-line case *Summary*.until April 28, 2005. No notice from court or him, about hearings, and trial that was originally set for May 2, 1905.

It was during the month of April 205, that Petitioner was suddenly picked up and taken to court by Montgomery County deputy. While waiting to go to court on that Saturday, Petitioner blinked out hit her head and brusied it, sprung her shoulder, dislocated her teeth, broke a tooth and was taken back to Julia Prison. The county denied Petitioner medical care. Petitioner never made it to court. Petitioner

Petitioner was taken back to Montgomery to Baptist for Emergency treatment. Theefore, I never made it to court to see exactly what was happening.

As a result of not knowing why the court date was scheduled, my husband hired an attorney, Cynthianther May, to represent Petitioner because Petitioner still was not aware that the court had appointed an attorney.

Attorney Mays came to visits Petitioner once around May 12, 2005, to bring an offer made by the District attorney. (letter\$ enclosed) *Exhibits C*

Petitioner contact Attorney Mays twice during that time to obtain information concerning the charges. She responded each time stating she had not finished her review. The time Petitioner saw Attorney May was the eveing of August 22, 2005, when she came to the jail house to tell me I would be having a jury trial the next morning and she is leaving word for me to dress in civilian clothes. During the week leading up to August 22, 2005, I had been suddenly picked up again and brought to court without any notice of what was going on. During this visit with Attorney May, Petitioner aaked many questions but received few ansuwers. Petitioner asked about the evidence did she have the pictures, what about an alibi, character witness, at the trial. She stated don't worry She had everything under controlled.

August 23, 2005, Petitioner set through the whole jury selection without one word being asked or an opportunity to review the jury list or ask questions. All the jurors were present as the Judge, Prosecutor and trial attorney asked them questions, etc. Before the trial begin the prosecutor

pointed Petitioner out to the witnesses. Later he asked them on the stand what was Petitioner wearing in court today and do you see her today.

The jury wanted valuable information but was denied it. They wanted the original descriptions of the offenders in the police complaint, they wanted to see the still shot photo that one of the victims mention during her testimony, and more detial information about the hearsay that Detective Roberts mentioned. The court denied the jurors all their requests. On August 24, 2005, Petitioner was convicted on all counts.

Petitioner wanted to testify but Petitioner's attorney would not let her. Petitioner attorney was not prepared did any investigation, did not object appropriately, allowed hearsay to be admitted, Did not file necessary motion to obtained discovery of all evidence, to suppress, did not oject to leading questions, etc.

Petitioner trial attorney was fired immediately after.

Petitioner obtained the service of Thomas Goggans to represent Petitioner at the sentencing hearing and to submit an appeal he was ineffective throughout the process.

Petitioner obtained the service of Richard Keith to submit an appeal. He intentionally left out valid grounds in the appeal the would have resulted in a different outcome. He also filed a fraudulent document to the court when he had been paid.

Petitioner appeal was affirmed. Petitioner submitted on her own an application for rehearing, it was denied. Petitioner contacted the court of criminal appeal about the ineffectiveness of the appeal attorney no action was taken to have the appeal corrected by the court. Petitioner listed in Petitioner Motion for help and Mercy *Exhibit D* many of the constitutional violations that would have caused a different outcome. Appeal was affirmed.

Petitioner as pro se, submitted the appeal to the Supreme Court of Alabama. It was dismissed for untimely. Petitioner file a motion to rehear it was denied.

Petitioner continued to filed motions such as Retrial, Motion to show cause, to inform, motions to receive the transcript, motions concerning notification of hearings and trial procedures all denied. *Exhibit K*

Petitioner submitted a state habeas corpus on January 28, 2007, to the circuit court it was denied. The court wrote back ordering Petitioner to submit a Rule 32 within 30 days *Exhibit E* on March 9, 2007. Petitioner at this point lost and confused with limited options, Petitioner the federal court for a writ of habeas corpus due to the numerous Constitutional violations by all parties involved, which include the circuit court, Judge Hobbs, The Montgomery Police Department, The Prosecution, court appointed attorney, and all three paid ineffective of assistance attorneys.

On May 1, 2007, Petitioner received an order from the Judge Hobbs, dismissing Petitioner case due to failure to submit a Rule 32 within 30 days. *Exhibit F*

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Petitioner is before this court Petitioning this court
to release Petitioner from this unconstitutional imprisonment.

ARGUMENT

What makes a fair Trial? Legal rights are safeguarded; witnesses are compelled to appear and testify; there is adequate time to investigate and prepare a defense; witnesses are allowed to testify; and the defendant has the right to face his or her accusers; Alibi places the defendant at a location from the scene of crime at the time crime was committed.

Simply because of error in law and harmful errors as well as violations of Petitioner, Alabama Constitution Rights of 1901, the United States Constitution, Federal and Statutory Laws is the reason Petitioner is fighting for Petitioner freedom.

The manifest purpose of the Constitution is to secure the citizens against the arbitrary action of those in authority and to place them under the protection of the law, *State v. Bush*, 12 Ala. App. 309, 68 So 492 (1975). The constitutional rule of confrontation is but a sanction of the right recognized under the common law and is subject to the same exception as then existed. Petitioner submit the following in support of her response to the court to grant her freedom:

1. *Parson v. State* 251 Ala, 467, 38 SO. 2d 209 Prohibits the state from depriving any person of life, liberty or property without due process of law.

2. *Waley v. Johnson*, 316 U.S. 101, 102 (1942) (stating that the use of habeas corpus in federal courts extends to cases where the conviction has been in disregard of the accused's constitutional rights and writ was only way to preserve those rights.

B. Petitioner's Request Petition Be Stayed and Held in Abeyance and Writ be issued due to Constitutional violations.

a. In *Brown v. Vasquez*, 952 F. 2d 1164, 1166 (9th Cir. 1991), 112 S. Ct. 1778 (1992), the court observed that the Supreme Court has "recognized the fact that the writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action. *Harris v. Nelson*, 394 U.S. 286, 290-91 (1969)." Therefore, the writ must be administered with the initiative and flexibility essential to insure that miscarriages of justice within its reach are surfaced and corrected." *Harris*, 394 U. S. at 291.

b. The writ of habeas corpus serves as an important check on the manner in which state courts pay respect to federal constitutional rights. The only standards the district court can impose on the states are those dictated by the Constitution, *Daye*, 712 F 2d at 1571.

c. The writ of habeas corpus has been called the "Great Writ" since it is the most fundamental device we have to protect ourselves from arbitrary arrest or continued confinement without just cause.

d. Although court's power under 28 USCS 2241 (c)(3) is plenary, statute mandates direct rule of abstention which requires petitioner to exhaust his state court remedies before resorting to federal system, and exhaustion requirement stems from considerations of comity and does not limit jurisdictional power of court to issue writ. *Codispoti v Howard* (1978), CA6 Mich) 644 F2d 543, (1981) 452 US 964, 69 L Ed 2d 875, 101 S Ct 3115.

e. Doctrine of exhaustion of state remedies governs proper exercise of power but does not delimit federal power of habeas corpus under 28 USCS 2241; it is restriction in consideration of comity rather than in scope of federal habeas corpus jurisdiction. United States ex rel. Waldron Ordog v Yeager (1969, DC NJ) 299 F Supp 321.

f. Petitioner who has provided his claim to highest available state court on direct appeal is not required to show that he sought collateral review in state court as condition to petitioning for federal habeas corpus relief. Ward v. Wolff (1980, DC Nev) 499 F Supp 1129.

g. A writ of habeas corpus would be granted where it was shown there was a failure to give the Petitioner compulsory process for the attendance of available Alibi witnesses to which Petitioner was entitled to have by the the Constitution of the United States.

h. The errors in this case was egregious and prejudicial. United States ex rel. Tyrrell v. Jeffes (1976, ED PA) 420 F Supp 256.

i. Write of habeas corpus is granted where defense counsel failed to investigate petitioner's background or talk to his family members about his background, despite attempts by several family members to contact counsel, and where rudimentary investigation would have disclosed.. Ford v. Lockhart (1994), ED Ark) 861 F Supp 1447, petition dismd.
Writ will be granted where proceedings, viewed in their entirety, showed counsel's advice to Petitioner inconsistent

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Writ will be granted where proceedings, viewed in their entirety, showed counsel's advice to Petitioner inconsistent and ineffectual. Jennings v. Zahradnick (1978, WD VA) 455 F Supp 495.

j. Rinehart v. Brewer (1977, CA 8 Iowa) 561 F 2d 126. States standard for measuring ineffectiveness of counsel in habeas corpus petition is that trial counsel fail to render when he does not exercise customary skills and diligence that reasonably competent attorney would perform under similar circumstances, and defendant must have been materially prejudiced in defense of his case by actions or inaction of defense counsel.

k. MacKenna v. Ellis (1960, CA 5 Tex) 280 F 2d 592, mod on other grounds (1961, CA 5 Tex) Relief was granted because state advance trial date, defendant could not obtain witnesses; trial court failed to protect defendant from hasty trial and errors of inexperienced counsel, habeas corpus was granted, and defendant who was confined in state prison was discharged because of violation of due process.

l. Under 28 USCS 2241, necessary predicate for granting of federal habeas corpus relief to state prisoner is determination by federal court that state's custody of prisoner violates Constitution laws or treaties of the United States.

m. Brown v. Allen, 344 U.S. 443, 458, 73 S. Ct 397, 97 Ed, 469 (1953) The Supreme Court held that all Federal Constitutional rights that have been incorporated through the fourteenth amendment Due Process Clause and thereby made applicable to the states are cognizable on Federal

n. Due process of law.. does not require the State to adopt any particular form of procedure, so long as it appears that the accused has had sufficient notice of the accusation and an adequate opportunity to defend himself in the prosecution. Petitioner's letters to trial attorneys May confirm that Petitioner did not have sufficient notice of the accusation and an adequate opportunity to defend Petitioner in the prosecution, as well as the case action on-line summary confirm Petitioner was totally overlooked throughout this process by the circuit clerk, and the trial judge who allowed these mistakes to continue throughout this cause as court records reveal.

Petitioner is being asked to go back to the state court where Petitioner rights has been grossly violated. The court of criminal appeal based it findings and affirmed the appeal on an arraignment that never occurred. The only entries that shows an arraignment is on Petitioner request for speedy trial that was never returned to Petitioner, that someone falsely annotated in the court.

o. United States Constitution, Art I, 9, CL. 2. And the due process clause speaks with an equal want of particularity when it declares that, "no person shall.... deprived of life, liberty, or property, without due process of law," United States Constitution Amend V. Balanced against this is the power of Congress to "ordain... to enact all laws necessary and power to carry into effect the constitutional powers

of the courts as well as its own, United States Constitution Art I, 8, CI, 18.

p. The several courts of the United States, and the justice and judges of such courts, within their respective jurisdictions, in addition to the authority already conferred by law, shall have power to grant writs of habeas corpus in all cases where any person may be restrained of his or her liberty in violation of the Constitution.... or law of the United States... From the final decision of any judge, justice, or court, inferior to the circuit court, an appeal may be taken to the circuit court of the United States.....

q. Brown v. Allen, 344 U. S. 458, 73 S. Ct. 397 97, L Ed 469 (1953) The Supreme Court held that all Federal Constitutional rights that have been incorporated throughout the fourteenth amendment due process clause and thereby made applicable to the states are cognizable on Federal habeas corpus and that a habeas petitioner can press such claims even if they had been fully adjudicated in the state court.

r. When the district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claim, a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct.

s. The court endorsed the "stay and abeyance" solution suggested by several of the lower courts, under which in appropriate cases, the portion of a state prisoner's mixed petition related to exhausted habeas claims are stayed and held in abeyance until he can return to state court and exhaust his unexhausted claims. Due to the state courts not having a time framed to rule on Rule 32 and the many potential motions of the respondent can result in the Rule 32 being delayed for months or years running the risk of Petitioner forever losing Petitioner opportunity for any federal review of Petitioner unexhausted claims.

t. Discretion vested in Federal courts to issue writs of habeas corpus should be exercise in light of relation existing between state and federal courts under our dual form of government, which relation should not be disturbed by unnecessary conflicts between state and national tribunals that are equally bound to guard constitutional rights.

Johnson v. Wilson (1942, CA5 Ala) 131 F 2d

u. The court eased the exhaustion restriction considerably in Fay v. Noia, 372 U.S. 391 (1963), in which it held, that federal courts were permitted, but not required to deny habeas for an intentional failure to exhaust state remedies.

v. Exhaustion. State prisoners were once required to exhaust the opportunities for state remedial action before federal habeas relief could be granted, 28 U.S. C. 2254 (b), (c) (1994 ed.).

This "exhaustion doctrine is principally designed to protect the state courts' role in the enforcement of federal law and prevent disruption of state judicial proceedings. Under our federal system, the federal and state courts [are] equally bound to guard and protect rights secured by the Constitution," *Ex parte Royall*, 117, U.S. 241, 251 (1886).

The state court in Petitioner cause did not guard and protect Petitioner rights secured by the Constitution.

w. Procedural default may be excused if a Petitioner can show "cause and prejudice" or that a fundamental miscarriage of justice would result. *Edwards v. Carpenter*, 529 U.S. 446, 451, 146, L Ed 2d 518, 120 S. Ct 1587 (200)

x. Procedural default may be excused if a Petitioner can show cause and prejudice or that a fundamental miscarriage of justice would result. (Criminal Law & Procedures) *Dye v. Hofbauer*, No-o4-8384 (Oct 11, 205) *Lounsbury v. Thompson*, No-03-35863 (9th Cir June 29 2004) *Castillo v. McFadden*, No.03-15715 (9th Cir. June 1, 2004) *Lambright v. Schriro*, No 04-99010. A habeas Corpus Petition containing unexhausted but procedurally barred claims is not mixed petition requiring dismissal. Although the unexhausted claims may have not been presented to the highest state court....

Robert E. Wenger, Jr v. Frederick K. Frank

Because the state court would find the claims procedurally defaulted. The district court may not go to the merits of the barred claims but must decide the merits of the claims that are exhausted and not barred.

ARGUMENT

A habeas corpus petition containing unexhausted but procedurally barred claims in addition to exhausted claims is not a mixed petition requiring dismissal. Although the unexhausted claims may not have been presented to the highest state court..... Under *Rose v. Lundy*, 455 U.S. 509, 71 L. Ed

Procedural default may be excused if a petitioner can show cause and prejudice or that a fundamental miscarriage of justice would result. *Edwards v. Carpenter*, 529 U.S. 446 451, 146 L Ed 2d 518, 120 S. Ct 1587 (2000).

A In *Powell v. Lamber*, No-01-35809, The ninth Circuit held that the mixed petition procedural bar applied by the Washington Supreme Court to the petitioner's state post conviction petition were not adequate.

Lambright v. Schriro NO-04-99000 Trial counsel failed to to investigate and present evidence.... Petition granted.

Rober E. Wenger, Jr., v. Frederick K. Frank Petition granted. A habeas corpus petition containing exhausted but procedurally barred claims is not mixed...

Procedural default maybe excused if a petitioner can show cause and prejudice or fundamental miscarriage of justice would result... (*Criminal Law & Procedures Habeas Corpus Exhaustion*, Pennsylvania Supremen Ct.

C. CAUSE

Wainwright v. Sykes, 433 U.S. 72 (1977)

(finding(that claims not presented in the state court only if there is cause and prejudiced.

Egregiously incompetent defense lawyers accounted for reversal as quoted in AEDPA Judicial and Judicial Procedure.

In a report published in 1990, the American Bar Association (ABA) concluded that inadequate counsel greatly increased the risk of convictions that are flawed by fundamental, factual, legal or constitutional error. The errors in Petitioner cause were serious errors that substantially undermined the reliability of Petitioner outcome. The error was prejudicial and cause. The innocence Protection Act of 2004 permits the Attorney General to make grants to states so they can improve the quality of legal representation provided to indigent defendants in state capital cases. In subject case the court appointed an attorney who inturn violated Petitioner Constitutional rights of the United States, The Alabama Constitution of 1901, Federal and Statutory laws, starting on December 20, 2004 until April 28, 2005 as the court appointed spoke on Petitioner behalf without informing Petitioner, obtaining a waiver, visiting Petitioner to consult with Petitioner concerning cause, entering a plea on petitioner behalf, attending hearing and status call, to the point of setting an initial trial date of May 2, 2005, without Petitioner having a chance to appear before the judge

the judge. Total Due Process of law required by the Constitutional was allowed to be ignored, and court appointed attorney was allowed to speak for Petitioner and it did not cause an alarm to the court or the prosecutor that Petitioner had not appeared in court for any of the hearing relating to this cause.

This is one of the reason the writ of habeas corpus plays a key role in restoring justice when the system fails. The issues of trial finality and adequate representation ia a big issues facing Congress today.

Unprofessional errors of court appointed attorney, Winston Durant, trail attorney, C. May, 1st appeal attorney, Thomas Goggans, 2nd appeal attorney, Richard Keith the proceeding in this case would have been different in the outcome. Counsel conducts in this cause amount to Constitutionally ineffective assistance of counsel.

In attorney Goggans response to the Alabama State Bar he states he would have filed an Anders no merit brief. The Alabama State Bar did not take any action on any of the complaints filed regarding this cause.

Petitioner states the following as cause relating to ineffective assistance of counselors.

1. A federal Constitutional claim in State Court must show cause for that default and prejudice attributable thereto, In order to obtain Federal habeas corpus review.

2. Court appointed attorney upon his appointment waived Petitioner rights to an arraignment on December 20, 2004. He continue to represent Petitioner at all hearing and never

informed the Petitioner he had been appointed by letter, or visiting Petitioner at Julia T. Prison. Court appointed attorney attended several hearing and made decisions on Petitioner behalf which ended up with Petitioner Due Process of law being violated by the court appointed attorney from December 20, 2004 until April 28, 2005, when Petitioner husband obtained the service of Attorney May around the 23th of April 2005, there to or about. A jury trial was set and agreed with by attorney Durant without Petitioner knowledge. Petitioner Constitutional rights were totally violated by Attorney Winston Durant.

3. Trial Attorney C. May was ineffective in the following ways:

1. She did not file any motions on Petitioner behalf.
2. She did not do any investigations of the photos, DNA, or the surveillance tapes, etc that was in the police department evidence file and the district attorney office.
3. She was not prepared for trial as her motion to continue states on August 10, 2005.
4. She did not have an evidentiary hearing.
5. She allowed hearsay to be admitted during the trial.
6. She did not object appropriately nor have matters suppressed.
7. She did not allow Petitioner to testify even after Petitioner pleaded wtih her to testify.
8. Petitioner was not allowed to have witnesses.
9. Petitioner was notified less than 24 hours a trial was the next day. Did not present Petitioner alibi, failed to

ensure Petitioner was informed of the charges against her as enclosed letters will confirmed Petitioner wrote her requesting information about the charges. Exhibit_____.

10. Petitioner's trial attorney did not object to leading questions by the prosecutor.

11. Petitioner's trial attorney did not agree to let the jury obtained needed information that would assist them in their verdict concerning the still shot photos, the hearsay evidence and copies of the original complaint that was filed.

12. Sentencing and 1st appeal attorney Thomas Goggans did not do any investigation to obtain the evidence from the police department as he was informed also. He did not let Petitioner review the pre-sentencing report before the hearing; He did not allow Petitioner to have a formal hearing to present the evidence from the police department; He did not file a motion for Retrial even thou he stated during the sentencing he would filed motions relating to the Constitutional violations; He allowed Petitioner appeal to be dismissed due to his failure to pay the fees, etc.

13. Second appeal attorney Richard Keith did not do any investigation as he had promised before hired; He did not submit all the numerous Constitutional violations by the court, trial attorney and 1st appeal attorney, and the prosecution. Attorney Keith submitted a motion to the court without Petitioner knowledge asking the courts to approve Petitioner as indigent after he had been paid his asking fees and fees for the transcript and docket fees.

He submitted a fraudulent motion to the court. He also intentionally withheld valid claims out of the appeal to receive additional money for a rule 32. According to Alabama Rule of court, ineffective assistance of counselor, hearsay, and the other grounds could have been included the original appeal and the outcome would have been totally different due to the Constitutional violations and serious errors made by counselors.

The errors in this cause were in fact egregious and prejudicial. Records support that conclusion that attorney's service were ineffective in manner which shows first attorney appointed by the court, trial attorney, and both appeal attorneys failed to exercise customary skills and diligence and that petitioner was prejudiced by action of her attorneys resulted in Petitioner being sentenced for crimes she did not commit and appeal being dismissed due to ineffective appeal attorney.

CAUSE

Prosecutorial behavior cause Petitioner great harm to Petitioner during this cause. Prosecution tainted the witness by pointing Petitioner out to them before the trial; Prosecution withheld favorable evidence from Petitioner; Prosecution statement during his opening remarks was direct prejudiced toward Petitioner and Petitioner attorney did not object when he stated " You're going to hear the defendant admit, hey, I have got a gambling problem. Okay. She admitted she had a gambling problem." *Exhibit A*

Prosecutor has a constitutional duty to volunteer matter to the defense if the evidence would create a reasonable doubt as to the guilt of the accused., Jones v. Shankland, 800 F 2d 77, 80 (6th Cir 1986)

Giglio v. United States (1972) 405, US 150 3L LFD 2d 104, 92 87 2d 802.. Prosecutor's duty under due process clause of the fifth ammendment to disclose evidence

Acordingly as petition submitted to this numerous Constitutional errors by all parties involved significantly impacted the outcome of this cause. Petitioner has shown cause and prejudice and a fundamental miscarriage of justice.

During the sentencing it was the prosecution who the trial judge asked the prosecution when did we arraignment arraign Ms. Stinson, the prosecution stated his records states Ms. Stinson was arraigned on December 20, 2004.

This was prejudiced to the Petitioner as the prosecutor is not the one who is responsible for Petitioner being arraigned. His records shows! The court records I have received today on-line summary and manual summary does not show an arraignment took place. The court of criminal based it finding on the court records that an arraignment was held as stated in the records. Someone annotated on Petitioner request for speedy trial an arraignment was held on December 20, 2004. I have been denied this transcript.

Exhibit H
Justification for cause and prejudice is throughout this cause.

The justification for cause and prejudice and miscarriage in justice is throughout this cause.

Petitioner has deeply been harmed by these errors.

Petitioner trial attorney's motion to continue dated August 10, 2005, states the district attorney informed her of the trial of August 15, 2005, not the court but the district attorney. Are decision concerning upcoming trial dates decided by the district attorney? Should the original trial date been known in advance by both parties to prepare for the trial, to notify witnesses, etc. From April 28, 2005, even after trial attorney submitted her notice to the court, the court continue in it's practice of violating Petitioner Constitutional rights. On-line records shows August 2, 2005, status call, Petitioner attorney was not notified, Petitioner was not notified, but the prosecution was well informed. Jury trial set on 8-15-05 at 9:00 on August 2, 2005. A hasty trial!!! Even after Petitioner's trial attorney asked to have it continue she was only given nine days by the prosecution not the court. *Exhibit d*

Wainwright v. Sykes, 433 U.S. 72 (1977)
 (Finding that claims not presented in state court
 may be raised on habeas corpus only if there is "cause
 and prejudice").

Rhines v. Weber, 125 S. Ct. 1528, 1533 (2005) It
 would be an abuse of discretion for a district
 court to deny a stay and to dismiss a mixed petition
 if the petitioner had good cause for his failure
 to exhaust, his unexhausted claims are potentially
 meritorious and there is no indication that
 the petitioner engaged in intentionally dilatory
 tactics.

A. Prejudice

Petitioner has enclosed for this court purpose
 a copy of the on line case action summary Exhibit A
 that will confirm the prejudice petitioner
 has received throughout this case as well
 as copies of the transcript provided by the
 Attorney General statements that were made
 by the court, Judge T. Nobbs, by the prosecutor
 Brandon Nushes and a letter that prevented petitioner
 from being approved to receive a bond pending appeal,
 manual copies of case action summary signed by
 Judge T. Nobbs, approving waiver of petition presence
 OK-12-20-04, to AL Annalsment, without petitioner

being notified or given the opportunity to sign a waiver. The on-line case summary shows all the many court hearings that was scheduled and conducted without petitioner presence. The court allowed someone to enter a plea as a jury trial was set for May 2, 2005, without petitioner ever appearing before the court.

Petitioner was serving time on a 10 split 18 months for writing checks due to a past gambling addiction. Not one letter was sent to petitioner regarding any of the hearings that was held throughout this case. The court mistakes prejudiced the petitioner as petitioner is serving time due to mistakes made by the circuit clerk and Judge T. Nobbs.

Petitioner states as follows

1. The on-line case Action Summary does not show an arraignment was held. The manual case Action summary shows Arraignment 12-20-04, Presence waived and signed by Judge Nobbs. Petitioner has requested the transcript to assist in her appeal on 12-22-06 as prose, the court never responded.
2. On-line case Action Summary shows starting in December 2004, The court Appointed Attorney or someone represented, Petitioner at hearings and made decisions on Petitioner behalf, according to case summary manual and on-line. Other court dates that petitioner was not allowed to attend by the court. are as follows:

1. December 20, 2004 - Manual case Action summary shows a hearing.
2. December 14, 2004, On-line shows a hearing, etc.
3. January 7, 2005 - A hearing, etc.
4. February 11, 2005 - Status finally changed to Prisoner After Almost A year. Sentenced March 11, 2004.
5. April 20, 2005 - hearing, Attorney Durant is present, Petitioner still has not been notified of his Appointment by Attorney Durant or the Court.
6. April 20, 2005 - A Jury trial was set for May 2, 2005 at 9:00 AM. NO Plea, NO confrontation, etc.
7. April 20, 2005 - Status call set for 4-26-05 at 10:00 AM.
8. April 20, 2005 - Transport order issued to MCOF
9. April 21, 2005 - Transaction took place
10. April 26-05 - Manual case Action shows - "Still At Doc due to illness. Not true. Petitioner was suddenly picked up around the 20th of April by the Montgomery County deputy to appear in court. The deputy did not know what for. While waiting to attend the court hearing on that Saturday, Petitioner blurted out and bruised her head, dislocated her teeth, broke a tooth, and sprained her shoulder. The County denied Petitioner medical care and took Petitioner back to Wetumpka to be taken to the emergency by DOC staff. They denied me medical care at the County. Petitioner was treated at Baptist in Montgomery and released with orders to see a dentist, a sling on arm and pain medications for injuries on body.

11. April 28, 2005 - After petitioner never made it to court, petitioner husband contacted Attorney Max to represent petitioner and to obtain information about what was going on and why petitioner was appearing in court and the charges, etc. She submitted her Notice of Appearance and a Motion to Continue. (That motion was not included in the package I received from the Attorney's General.)

12. August 2, 2005, - A hearing was held, status call set for August 9, 2005, at 9:00 am. Also on this date a another jury trial was set for 8-15-2005 at 9:00 am. Neither petitioner or petitioner attorney notified about this court date, or the scheduled trial date of 8-15-2005.

The record continues to show petitioner constitutional rights under the United States Constitution, the Alabama State Constitution of 1901, Federal and State laws was violated by the court including Judge Hobbs and Melissa Rethmann, court clerk,

On a motion to the court petitioner requested information regarding the procedures for notifying defendants of upcoming hearings, trials, etc. Petitioner never received a response it was denied.

13. August 15, 2005 - Motion to continue - Filed by Attorney Max. After she received a return telephone from the prosecutor, Brandon Alshes. She had called him in regards to the surveillance tape he had of the crimes. It was during that conversation, petitioner attorney was informed about a trial on August 15, 2005. She responded and ask to continue. (letter attached)

13. August 9, 2005 - Witness Subpoena Issued. I was not Allowed an opportunity to subpoena witness. I was not Allowed an opportunity to a fair trial by the Court, Prosecutor or trial Attorney, Appeals rights were violated by Appeals Attorneys and Sentencing Attorney.
14. August 23-2005 - not on either Summary. The First date of the trial. Petitioner was Allowed to set through the entire Jury selection and never Asked one question from the Court, trial Attorney or Prosecutor. Petitioner was never Afforded a Jury list to review, etc.
15. August 23-2005 - before the trial began the Prosecutor fainted the witnesses, by pointing Petitioner out.
16. August 24-2005 - Petitioner Found guilty - Petitioner set through an entire trial and was not Asked not one word by the Judge, the Prosecutor and the only statement that was Asked by trial Attorney was for Petitioner to stand and be observe by the Jury.
 Throughout this entire Process Petitioner was prejudiced by the circuit Court, Court of Criminal Appeal, the Prosecutor, Appointed Attorney, Winston Durant and Court Clerk.
17. Judge Nobbs statement before the Jury was dismissed to make a decision was prejudiced. He stated "In a moment we are going to let you go back into the Jury deliberation room back here. When you do so, I want you to use your knowledge of Exhibit J

people and their Affairs. That's what we call
common sense. That's why we have got y'all
in here today is to bring your common sense
to bear in this case. In A Jury decision it is
based on evidence and Facts, Not on the Above
Stated quote by Judge T Hobbs- Prejudiced!!!
Exhibit

Under 28 USCS 2254(d)(1) Finding of un-
 reasonableness of state court's Application of clearly
 established Supreme Court precedent required for
 habeas relief requires finding that such Application
 is so offensive to existing precedent, so devoid of
 record support, or so arbitrary as to indicate that
 it is outside of universe of plausible, credible
 outcomes. 60 F Supp 2d 655, Aff'd (2001)
 CA 6 Mich) 257 F3d 554, 2001, FED App 217,

Brady v State 215 Ala 110 SO. 162 (1926) It is the
 imperative duty of the courts to see that the
 rights of an Accused are not taken Away From
him.

A person Accused of a Felony, must be Arraigned
 in person and must plead in person; And in
All subsequent proceedings, it is required that
 he shall appear in person. Frost v. State of Ala
 235 Ala 232, 142 S. 427 (1932),

Mackenna v. Ellis (1960) CA 5 TEX 289
F 2d 928. Trial Court Failed to Protect
defendant From hasty trial And errors of
ineffective counsel during the trial. - - - -
petition granted.

Roger v. Peck (1905) 199 U.S 425, 50 L Ed
256 S Ct was only where Fundamental
rights, specially secured by Federal Constitution
were invaded that interference by Federal
courts with state in Administration of its
criminal law was warranted.

Milchrist v. State, 234 Ala 73, 173 So, 651
(1937) Trial court can be trusted to see
that every man brought before them charged
with crime, shall have the full measure of
protection guaranteed to him by Amendment
of the constitution.

Nerbert v. Louisiana, 272 US 312. states the duty
of the state court to protect constitutional
rights and they are under obligations to guard
and enforce every right secured by the
Federal constitution.

In *Brown v. Vasquez*, 952 F. 2d 1164, 1166 (9th Cir. 1991) 112 S. Ct 1778 (1993) the court observed that the Supreme Court has "recognized the fact that the writ of habeas corpus is the fundamental instrument for safe guarding individual freedom against arbitrary and lawless state action."

Therefore the writ must be "administered with the initiative and flexibility essential to insure that miscarriage of justice within its reach are surfaced and corrected." Norris, 394 U.S. at 291.

The writ of habeas corpus serve as an important check on the manner in which state courts pay respect to federal constitutional rights.

Under 28 USCS 2241 necessary predicate for granting of federal habeas corpus relief to state prisoner is determination by federal court that state's custody of prisoner violates constitution, laws or treaties of the United States as stated in Rose v Hodges.

Due Process of law requires Fair Notices that
One's conduct is subject to a law or regulation
As stated in *Brooks v. Alabama State Bar*,
594, SO 2d 33.

Rule 4-4 Initial Appearance: states clearly the
requirement of the court to inform the
defendant of his right to demand a preliminary
hearing. . . . The Felonies charged against him
And rights according to the Constitution.

E. Relief For State Prison is only Available if the state courts have ignored or rejected valid claims. Petitioner states the following:

1. Petitioner, during the sentencing on October 24, 2005, when Petitioner was finally given the opportunity to speak before the court to Judge T. Nobbs, After being ignored from December 14, 2004 to October 24, 2005 sentencing and therefore. On-line Case Summary will confirm

2. Petitioner mentioned to the court as transcript will confirm that she did not have an opportunity to plea, to be arraigned, to testify, to have witnesses, etc and was ignored by the court after more than once informing the court during sentencing. Petitioner Attorney, Thomas Gossard stated. 'He would file motions' but never did

relating to these claims. Exhibits_____

Judge Nobbs stated page 8, "The Court:

Ms. Stinson, I'm not going to retry the case.
Exhibit K

3. Petitioner has submitted A Motion For Re-trial
ON January 4, 2006, After realizing sentencing
And First Appeal Attorney did not, mentioning
the numerous constitutional violations.

Motion was denied Exhibit Exhibit A.

Petitioner throughout this case as on-line
enclosed case Action Summary will confirm
has submitted several motions to show cause,
to inform and letters to the court regarding
Petitioner Constitutional rights to Fair trial
And Fair sentencing hearings. As of January
28, 2007, Petitioner submitted to the Circuit
Clerk, A petition For writ of Habeas Corpus

Identifying the numerous Constitutional violations by all parties involved the Court Clerk, Judge Hobbs, appointed Court Attorney, Petitioner paid Trial Attorney, Petitioner paid Sentencing First Appeal Attorney and Second Appeal Attorney as well as the Montgomery Police Department Detective Jason Roberts actions.

Petitioner received back from the court around the 9th of March. Requesting Petitioner to submit a Rule 32 petition within thirty (30) days. Petitioner at this point submitted a petition for writ of Habeas Corpus to the Federal court seeking help through the subject petition. Petitioner realized her petition for habeas corpus had been Exhibits E

ignored just as all the motions Petitioner have submitted throughout this cause have been denied or rejected by this court, before Petitioner went Pro se and after Petitioner went Pro se. Petitioner request for transcript was never responded to and Petitioner never received the requested transcript it was denied or rejected. (case summary on-line)

The only correspondence received back from the circuit court (1) Petitioner Request denied (2) Petitioner Order to do A Rule 32 within Thirty (30) days. (3) Petitioner received an order dismissing Petitioner case due to petitioner failure to submit A Rule 32 within 30 days.

Petitioner after submitting the state habeas Corpus and it denied or rejected sought help through your court due to all the numerous constitutional violations in this cause, where writs in many cases have been granted with only one

Petitioner has not only presented the Constitutional claims to the circuit court, but also to the court of criminal appeal. Petitioner upon realizing that paid Attorney, Richard Keith, had not included the ineffective assistance of counselors regarding the the trial Attorney and sentencing Attorneys, as well as the hearsay, photo-line up, Prosecution Actions, Petitioner wrote a motion to the Court of Criminal Appeal entitle "Motion For Help And Mercy." Court of Criminal Appeal clerk responded and stated "The court appointed Richard Keith to represent you in January 2006. As long as he is representing you in this cause you need to seek him" Petitioner wrote the court back explaining he was paid on November 21, 2005 to represent Petitioner. Petitioner did not get any help regarding motions or letter to the court of criminal appeal. Petitioner was helpless at this point. The words that Attorney Mossis wrote to his response to the Alabama State Bar stood so clearly out "I expect the court of criminal appeal to confirm the appeal" As the arraignment issue Attorney Keith submitted is procedurally barred. --- Also Attorney Keith state "I would have submitted an Andie no merit brief" The Alabama State Bar took no actions on his complaints, Attorney Keith complaint, etc.

O'Sullivan v. Boeickel 117 S. Ct 1728 (1999)
 28 U.S.C. Sec 2254(b)(1) Under section 2254(c)
 Habeas petition shall not be deemed to have
 exhausted the remedies available in the courts of the
 state... However, because the exhaustion doctrine is
 intended to give states a full and fair opportunity
 to resolve federal constitutional claims. State
 prisoners must give the state courts "one full
 opportunity to resolve issues. Petitioner has
 given the state court one full plus more than
 one full opportunity. Petitioner submitted the
 appeal to the Supreme Court of Alabama in an
 effort to resolve this case. Simply because
 the circumstances petitioner was put in due to
 ineffective appeal attorney Richard Keith, the
 appeal was dismissed as untimely. Petitioner
 submitted a motion to have it reinstate it
 was denied. Petitioner submitted a motion for
 a hearing on the appeal in the court of criminal
 appeal it was denied also, to show cause and
 requesting information all denied.

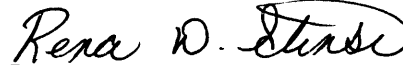
Petitioner has given the circuit court, court of
 criminal appeal the constitutional violations in
 petitioner case all courts have rejected them or
 ignored them.

CONCLUSION

For the above-stated reasons, this Court should not dismiss Petitioner's petition. Petitioner has afford the state more than a fair opportunity to resolve these issues, through motions, letters, complaints to the district attorneys office, the Montgomery Police Department, circuit court, the mayor office and the Attorney General Office as well as copies of the most recent state habeas corpus was given to all parties on January 29, 2007, and they all have ignored or rejected Petitioner cause.

Petitioner has provided a preponderance of documentation to support this Honorable Court granting Petitioner a Writ of Habeas Corpus as Petitioner is entitle by the Constitution of the United States of America.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rena D. Stinson".


Rena D. Stinson

Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of May, 2007,
I served a copy of the foregoing (including all exhibits)
on Petitioner, by placing the same in the United States
Mail, first class, postage prepaid and addressed as follows:

Office of the Attorney General
Criminal Appeals Division
11 South Union Street
Montgomery, AL 36130


Rena D. Stinson
Petitioner/Pro se

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EXHIBIT LIST

Exhibit A - On-Line Case Summary	1-9
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Exhibit M - Complaint on Detective Jason	

OC01 ON-LINE CASE ACTION SUMMARY COUNTY: 03 MONTGOMERY OFFICE: 1 OCSOC01

CASE NUMBER: CC 2004 001694 00 TRANS DATE/TIME: 00000000 0000 JID: TMH
STYLE/NAME: STATE OF ALABAMA VS STINSON RENA DORSEY PC PRNTR: N

ACT	DATE	TIME	CODE	COMMENTS	OPE
	12142004	0069		DOCK NOTICE SENT: 12/14/2004 STINSON RENA	
	12142004	0840		JUDG ASSIGNED TO: (TMH) TRUMAN M HOBBS	REG
	12142004	0840		FILE FILED ON: 12/14/2004	(AR01) REG
	12142004	0840		INDT DEFENDANT INDICTED ON: 07/09/2004	(AR01) REG
	12142004	0840		STAT INITIAL STATUS SET TO: "J" - JAIL	(AR01) REG
	12142004	0840		BOND BOND SET AT: \$80000.00	(AR01) REG
	12142004	0840		FILE CHARGE 01: THEFT OF PROP 1ST/#CNTS: 001	(AR01) REG
	12142004	0840		FILE CHARGE 02: THEFT OF PROP 1ST/#CNTS: 001	(AR01) REG
	12142004	0840		FILE CHARGE 03: THEFT OF PROP 1ST/#CNTS: 001	(AR01) REG
	12142004	0840		FILE CHARGE 04: THEFT OF PROP 2ND/#CNTS: 001	(AR01) REG
	12142004	0841		DAT2 SET FOR: ARRAIGNMENT ON 12/20/2004 AT 0830A	(AR02) REG
	12142004	0844		CASP CASE ACTION SUMMARY PRINTED	(AR10) REG
	01072005	1540		TEXT NOTICE OF DISCOVERY TO DEF, INTENT TO USE PRIOR	(AR10) REG DBH

*** "C"-CHANGES/"D"-DELETES/"A"-ADDS ENTRIES IN THE FILE ***
01=MNU 02=OCS 03=NDX 04=CSE 05=SNT 06=ENF 07=CLR 08=FEE 09=PRT 10=BWD 11=FWD
12=DOM 13=FRM 14=CPR 15=DPR 16=WPR 17=SPR 18=SNO 19=PRT 20=OFF 24=HLP

Where is Arraignment on 12/20/04

Where was Dock notice sent? Stinson is in prison as of March 11, 2004. The only notice mentioned throughout the summary.

Exhibit A
1 of 9

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OC01 ON-LINE CASE ACTION SUMMARY COUNTY: 03 MONTGOMERY OFFICE: 1 OCSOC01

CASE NUMBER: CC 2004 001694 00 TRANS DATE/TIME: 00000000 0000 JID: TMH
STYLE/NAME: STATE OF ALABAMA VS STINSON RENA DORSEY PC PRNTR: N

ACT	DATE	TIME	CODE	COMMENTS	OPE
	01072005	1540	TEXT	..CONVICTIONS, INTENT TO INVOKE SENT ENHANCEMENTS,	DBH
	01072005	1540	TEXT	..INTENT TO OFFER PROOF BY A CERT OF ANALYSIS AND	DBH
	01072005	1540	TEXT	..MO FOR DISCOVERY BY THE STATE	DBH
	02112005	1236	STAT	STATUS CHANGED TO: "P" - PRISON (AR10)	GAB
	04202005	1647	ATY1	ATTORNEY FOR DEFENDANT: DURANT WINSTON D (AR10)	REG
	04202005	1647	DAT2	SET FOR: JURY TRIAL ON 05/02/2005 AT 0900A (AR10)	REG
	04202005	1647	DAT1	SET FOR: STATUS CALL ON 04/26/2005 AT 1000A (AR10)	REG
	04202005	1653	TEXT	TRANSPORT ORDER TO MCDF	TOR
	04212005	0904	AWPR	W.J.ROBERTS DELETED W001 (AW21)	TOR
	04212005	0905	PRTY	PARTY ADDED W001 EMMA JEAN ANDERSON (AW21)	TOR
	04212005	0905	PRTY	PARTY ADDED W002 DHAWIREDDY DEVI (AW21)	TOR
	04212005	0905	PRTY	PARTY ADDED W003 CAROL RAY (AW21)	TOR
	04212005	0906	PZCS	PARTY W003 ZCS CHANGED FROM: 36117 0000 MONTGOMERY	TOR

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OC01 ON-LINE CASE ACTION SUMMARY COUNTY: 03 MONTGOMERY OFFICE: 1 OCSOC01

CASE NUMBER: CC 2004 001694 00 TRANS DATE/TIME: 000000000 0000 JID: TMH
STYLE/NAME: STATE OF ALABAMA VS STINSON RENA DORSEY PC PRNTR: N

ACT	DATE	TIME	CODE	COMMENTS	OPE
	04212005	0906	PRTY	PARTY ADDED W004 W J ROBERTS (AW21)	TOR
	04212005	0906	PRTY	PARTY ADDED W005 AVACEAL WILLIAMS (AW21)	TOR
	04212005	1042	SUBP	WITNESS SUBPOENA ISSUED AWP24	TOR
	04282005	1343	TEXT	NOTICE OF APPEARANCE	TOR
	04282005	1344	ATY1	ATTORNEY FOR DEFENDANT: MAY CYNTHIAN THER LASHON	TOR
	04282005	1344	TEXT	MOTION TO CONTINUE	TOR
	08022005	1437	DAT1	SET FOR: STATUS CALL ON 08/09/2005 AT 0900A (AR10)	REG
	08022005	1437	DAT2	SET FOR: JURY TRIAL ON 08/15/2005 AT 0900A (AR10)	REG
	08042005	0833	TEXT	TRANSPORT ORDER TO MCDF	TOR
	08092005	1424	SUBP	WITNESS SUBPOENA ISSUED AWP24	GAB
	08152005	1551	TEXT	MOTION TO CONTINUE	GAB
	08242005	0917	DAT1	SET FOR: SENTENCING DKT/HE ON 09/19/2005 AT 0830A	REG
	08242005	0918	DJID	DISPOSITION JUDGE ID CHANGED FROM: TO: TMH	REG

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OC01 ON-LINE CASE ACTION SUMMARY COUNTY: 03 MONTGOMERY OFFICE: 1 OCSOC01

CASE NUMBER: CC 2004 001694 00 TRANS DATE/TIME: 00000000 0000 JID: TMH
STYLE/NAME: STATE OF ALABAMA VS STINSON RENA DORSEY PC PRNTR: N

ACT	DATE	TIME	CODE	-----	COMMENTS	-----	OPE
	08242005	0918	DISP	CHARGE 01	DISPOSED BY: CONVICTED ON: 08/23/2005		REG
	08242005	0918	DISP	CHARGE 02:	THEFT OF PROP 1ST/#CNTS: 001 (AR10)		REG
	08242005	0918	DISP	CHARGE 02	DISPOSED BY: CONVICTED ON: 08/23/2005		REG
	08242005	0918	DISP	CHARGE 01:	THEFT OF PROP 1ST/#CNTS: 001 (AR10)		REG
	08242005	0918	DISP	CHARGE 03	DISPOSED BY: CONVICTED ON: 08/23/2005		REG
	08242005	0918	DISP	CHARGE 03:	THEFT OF PROP 1ST/#CNTS: 001 (AR10)		REG
	08262005	1327	TEXT	TRANSPORT ORDER TO MCDF			TOR
	09082005	1336	TEXT	MADE A COPY OF WRIT OF ARREST/TO BE USED FOR TRANS			TOR
	09082005	1336	TEXT	PORT ONLY/PICKED UP BY MCDF			TOR
	09122005	1458	ADD1	ADDR1	CHANGED FROM: 2265 EAST ABERDEEN DRIVE (AR01)		REG
	09122005	1458	STAT	STATUS CHANGED TO: "B" - BOND (AR01)			REG
	09122005	1459	PRTY	PARTY ADDED S001 FLOYD/BENITHA MATTHEWS (AW21)			REG
	09232005	0833	TEXT	MO TO WITHDRAW (CYNTHIAN THER MAY)			DBH

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OC01 ON-LINE CASE ACTION SUMMARY COUNTY: 03 MONTGOMERY OFFICE: 1 OCSOC01

CASE NUMBER: CC 2004 001694 00 TRANS DATE/TIME: 00000000 0000 JID: TMH
STYLE/NAME: STATE OF ALABAMA VS STINSON RENA DORSEY FC PRNTR: N

ACT	DATE	TIME	CODE	COMMENTS	OPE
	09282005	0207	FELN	CONVICTION REPORT TO BOARD OF REGISTRARS	REG
	10252005	0841	NAME	NAME CHANGED FROM: STINSON RENA	(AR01) DBH
	10252005	0841	STAT	STATUS CHANGED TO: "J" - JAIL	(AR01) DBH
	10262005	1516	CH01	DEFENDANT SENTENCED ON: 10/24/2005	(AR05) REW
	10262005	1516	CH01	CVCC PROVISION ORDERED BY THE COURT	(AR05) REW
	10262005	1516	CH01	COST PROVISION ORDERED BY THE COURT	(AR05) REW
	10262005	1516	CH01	HISTORY FEE PROVISION ORDERED BY THE COURT	(AR05) REW
	10262005	1516	CH01	PROBATION OF: 05 YEARS	(AR05) REW
	10262005	1516	CH01	SENTENCE TO BEGIN ON: 10/24/2005	(AR05) REW
	10262005	1516	CH01	IMPOSED CONFINEMENT: 05 YEARS	(AR05) REW
	10262005	1516	CH01	TOTAL CONFINEMENT: 20 YEARS	(AR05) REW
	10262005	1516	CH01	SUSPENDED CONFINEMENT: 15 YEARS	(AR05) REW
	10262005	1516	CH01	SUBPOENA FEE PROVISION ORDERED BY THE COURT	(AR05) REW

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OC01 ON-LINE CASE ACTION SUMMARY COUNTY: 03 MONTGOMERY OFFICE: 1 OCSOC01

CASE NUMBER: CC 2004 001694 00 TRANS DATE/TIME: 00000000 0000 JID: TMH
STYLE/NAME: STATE OF ALABAMA VS STINSON RENA DORSEY PC PRNTR: N

ACT	DATE	TIME	CODE	COMMENTS	OPE
	10262005	1516	CH01	JAIL CREDIT: 337 DAYS (AR05)	REW
	10262005	1516	CH01	RESTITUTION FOR R001 ORDERED BY THE COURT (AR05)	REW
	10262005	1516	CH01	R001 REST AMOUNT ORDERED: \$22060.16 (AR05)	REW
	10262005	1516	CH01	SPLIT SENTENCE PROVISION ORDERED BY THE COURT	REW
	10262005	1516	CH01	PENITENTIARY PROVISION ORDERED BY THE COURT (AR05)	REW
	10262005	1516	APPL	CASE APPEALED ON: 10/24/2005 (AR10)	REW
	10262005	1516	APPL	APPEAL "TO" TYPE: "S" (AR10)	REW
	10262005	1516	TRSC	TRANSCRIPT OF RECORD ISSUED: 10/26/2005 (AR08)	REW
	10262005	1520	D001	PAYMENT DUE DATE SET TO: 11/24/2007 (FE52)	REW
	10262005	1531	TEXT	CLERK'S NOTICE OF APPEAL TO ALL PARTIES -NO FORMS	REW
	11182005	1203	COMM	11-16-05 APPEAL DISMISSED (AR10)	DBH
	11182005	1204	DISP	BY: D - DISMISSED ON: 11/16/2005 (AR11)	DBH
	11212005	1619	TEXT	MO FOR JUDGMENT OF ACQUITTAL	REG

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OC01 ON-LINE CASE ACTION SUMMARY COUNTY: 03 MONTGOMERY OFFICE: 1 OCSOC01

CASE NUMBER: CC 2004 001694 00 TRANS DATE/TIME: 00000000 0000 JID: TMH
STYLE/NAME: STATE OF ALABAMA VS STINSON RENA DORSEY PC PRNTR: N

ACT	DATE	TIME	CODE	COMMENTS	OPE
	12082005	1529	TEXT	NOTICE OF APPEARANCE	TOR
	12082005	1529	ATY1	ATTORNEY FOR DEFENDANT: KEITH RICHARD K (AR10)	TOR
	01092006	1025	PRTY	PARTY ADDED R001 CAROL RAY (AW21)	TOR
	01092006	1025	PRTY	PARTY ADDED R002 EMMA JEAN ANDERSON (AW21)	TOR
	01092006	1025	PRTY	PARTY ADDED R003 EVACEAL WILLIAMS (AW21)	TOR
	01242006	1533	TEXT	MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL	TOR
	02062006	0925	ATY1	ATTY 1 CHANGED FROM: MAY039 (AR11)	DBH
	02062006	0925	ATY1	ATTY 1 TYPE CHANGED FROM: R (AR11)	DBH
	02072006	1423	ATTH	CAS ATTACHMENT PRINTED (AR08)	DBH
	02092006	1038	MOT1	MOTION CODE 1 CHANGED FROM: (AR11)	DBH
	02092006	1038	MOT1	MOTION ACTION DATE 1 CHANGED FROM: 00/00/0000	DBH
	02092006	1038	MOT1	MOTION FILE DATE 1 CHANGED FROM: 00/00/0000 (AR11)	DBH
	02092006	1038	MOT1	MOTION ACTION 1 CHANGED FROM: (AR11)	DBH

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OC01 ON-LINE CASE ACTION SUMMARY COUNTY: 03 MONTGOMERY OFFICE: 1 OCSOC01

CASE NUMBER: CC 2004 001694 00 TRANS DATE/TIME: 000000000 0000 JID: TMH
STYLE/NAME: STATE OF ALABAMA VS STINSON RENA DORSEY PC PRNTR: N

ACT	DATE	TIME	CODE	COMMENTS	OPE
	11272006	1305	DISP	BY: U - UPHELD ON: 11/21/2006	(AR11) DBH
	12052006	1311	TEXT	11292006 MO TO SHOW DENIED	REG
	12222006	1217	TEXT	MOTION TO RECEIVE TRANSCRIPT	TOR
	02272007	1605	TEXT	PETITION FOR WRIT OF HABEAS CORPUS	REG
	03082007	0808	TEXT	ORDER DATED 3/07/07 GRANTING IN FORMA PAUPERIS,	TOR
	03082007	0808	TEXT	PETITIONER GIVEN 30 DAYS TO FILE A PETITION THAT	TOR
	03082007	0808	TEXT	COMPLIES WITH RULE 32	TOR
	05012007	1017	TEXT	04252007 ORDER - FAILED TO FILE PETITITON - DISMIS	REG

*** THERE ARE NO MORE RECORDS ON-FILE FOR THE CASE ***
01=MNU 02=OCS 03=NDX 04=CSE 05=SNT 06=ENF 07=CLR 08=FEE 09=PRT 10=BWD 11=FWD
12=DOM 13=FRM 14=CPR 15=DPR 16=WPR 17=SPR 18=SNO 19=PRT 20=OFF 24=HLP

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OC01 ON-LINE CASE ACTION SUMMARY COUNTY: 03 MONTGOMERY OFFICE: 1 OCSOC01

CASE NUMBER: CC 2004 001694 00 TRANS DATE/TIME: 000000000 0000 JID: TMH
STYLE/NAME: STATE OF ALABAMA VS STINSON RENA DORSEY PC PRNTR: N

ACT	DATE	TIME	CODE	COMMENTS	OPE
	02152006	1653	TEXT	MO TO INFORM	REG
	05092006	1308	D001	PAYMENT DUE DATE SET TO 11/19/2019 (EC01)	TAB
	05252006	1047	CH01	CONCURRENT SENTENCE ORDERED BY THE COURT (AR05)	REG
	05252006	1048	TRSC	TRANSCRIPT OF RECORD ISSUED: 05/25/2006 (AR08)	REG
	06262006	1539	TEXT	INMATE LETTER TO THE CLERK RE: COMPLAINT ON	DBH
	06262006	1539	TEXT	..APPELLATE ATTY	DBH
	10042006	1317	TEXT	MOTION TO RECEIVE DISCOVERY	TOR
	10042006	1318	TEXT	NOTICE OF APPEARANCE BY DEF (PRO SE)	TOR
	10272006	1319	TEXT	MOTION FOR DISCOVERY	TOR
	11022006	1503	TEXT	MO FOR INFORMATION	REG
	11152006	1642	TEXT	11092006 MO FOR INFORMATION DENIED	REG
	11202006	1555	TEXT	MO TO SHOW	REG
	11272006	1304	COMM	11-21-06 APPEAL AFFIRMED (AR10)	DBH

*** "C"-CHANGES/"D"-DELETES/"A"-ADDS ENTRIES IN THE CASE ACTION SUMMARY ***
01=MNU 02=OCS 03=NDX 04=CSE 05=SNT 06=ENF 07=CLR 08=FEE 09=PRT 10=BWD 11=FWD
12=DOM 13=FRM 14=CPR 15=DPR 16=WPR 17=SPR 18=SNO 19=PRT 20=OFF 24=HLP

90F9

74

ACR0372 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2004 001694.00
 PER: REG CASE ACTION SUMMARY
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 12/14/2004
 IN THE CIRCUIT COURT OF MONTGOMERY JUDGE: TMH

STATE OF ALABAMA VS STINSON RENA
 CASE: CC 2004 001694.00 2265 EAST ABERDEEN DRIVE
 MONTGOMERY, AL 36116 0000

DOB: 10/15/1953 SEX: F RACE: B HT: 5 05 WT: 165 HR: BLK EYES: BRO
 SSN: 424782955 ALIAS NAMES: RENA DORSEY
 CHARGE01: THEFT OF PROP 1ST CODE01: TOP1 LIT: THEFT OF PROP TYP: F #: 001
 CHARGE02: THEFT OF PROP 1ST CODE02: TOP1 TYP: F #: 001
 CHARGE03: THEFT OF PROP 1ST CODE03: TOP1 TYP: F #: 001
 CHARGE04: THEFT OF PROP 2ND CODE04: TOP2 TYP: F #: 001
 OFFENSE DATE: AGENCY/OFFICER: 0030100

DATE WAR/CAP ISS: DATE ARRESTED:
 DATE INDICTED: 07/09/2004 DATE FILED: 12/14/2004
 DATE RELEASED: DATE HEARING:
 BOND AMOUNT: \$50,000.00 SURETIES:

DATE 1: DESC: TIME: 0000
 DATE 2: 12/20/2004 DESC: ARRG TIME: 0830 A

TRACKING NOS: GJ 2004 070062 00 /

DEF/ATY: *Winston Durant* TYPE: *A*

AIS 234171

TYPE:

PROSECUTOR: *B. Hughes*

OTH CSE: GJ200407006200 CHK/TICKET NO: 9 GRAND JURY: 62
 COURT REPORTER: SID NO: 001361646
 DEF STATUS: JAIL DEMAND: DPER: REG

DATE ACTIONS, JUDGEMENTS, AND NOTES

12-20-04	<i>W. Durant appointed; A's presence received</i>
4-26-05	<i>Still at Doc due to illness TMH</i>
5-2-05	<i>Cynthia Ann May, notice of of appearance, counsel of record</i>
	JUDGEMENT IS HEREBY ENTERED IN ACCORDANCE WITH THE VERDICT OF THE JURY, <i>guilty of TOP1 x2, TOP2;</i>
	<i>Sentencing set 9-19-05 @ 8:30</i>
	<i>Circuit Judge</i>



JEROME C. CARTER, ESQ.
CYNTHIAN THER L. MAY, ESQ.
ASSOCIATE

May 23, 2005

Rena Stinson 234171
Tutweiler Correctional Facility
8966 US Hwy 231 N
Wetumpka, AL 36092

RE: STATE OF ALABAMA v. RENA STINSON

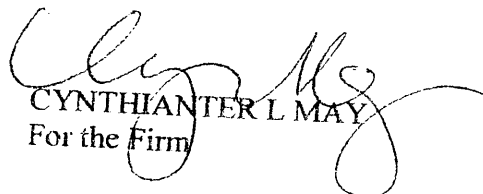
Dear Mrs. Stinson:

In accord with our conversation of May 12, 2005, you have chosen not to accept the District Attorney's plea offer of a 20 split 5. I am in the process of reviewing all information received from Attorney Winston Durant. I will notify you of my findings once I have completed my review.

If you any questions please contact me at the telephone number and/or address above.

I am, with warm

Regards,


CYNTHIAN THER L. MAY
For the Firm

CLM/mmh
cc: Louis Stinson

207 MONTGOMERY STREET, SUITE 609, MONTGOMERY, ALABAMA 36104

PHONE (334) 262-8051 • FAX (334) 262-8053 • www.carterlawfirm.com

//



JEROME C. CARTER, ESQ.
CYNTHIAN L. MAY, ESC
ASSOCIATE

June 15, 2005

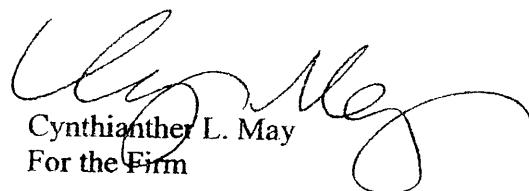
Rena Stinson 23417
Tutweiler Correctional Facility
8966 US Highway 231 North
Wetumpka, Alabama 36092

Dear Mrs. Stinson:

I write in response to your letter dated June 7, 2005. I empathize with your current situation. Please know that we are hard at work on your behalf. Upon my completed review of your file from Attorney Durant's office, I will contact you.

If you have any questions or concerns, please contact me or my legal assistant, Lisa, at the telephone number and / or the address above.

With warmest regards,


Cynthianther L. May
For the Firm

cc: Louis Stinson

207 MONTGOMERY STREET, SUITE 609, MONTGOMERY, ALABAMA 36104

PHONE (334) 262-8051 • FAX (334) 262-8053 • www.carterlawfirmnc.com

12

THE COCHRAN FIRM
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COCHRAN, CHERRY, GIVENS, SMITH, LANE & TAYLOR, P.C.

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CHAIRMAN

SAMUEL A. CHERRY, JR.^{1,2,10}
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JOSEPH D. LANE^{1,3}
J. FARREST TAYLOR^{1,9}

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WASHINGTON, D.C. 10

401 CHURCH STREET • MOBILE, ALABAMA 36602
TELEPHONE: (251) 434-9992 • FAX: (251) 434-9995
WWW.COCHRANFIRM.COM

July 13, 2005

Mrs. Rena Stinson
6624 Stable Gate Court
Montgomery, Al 36116

RE: CASE STATUS

Dear Mrs. Stinson:

This letter is to inform you of the status of your case to this date. The District Attorney, handling your case informed Ms. May, that he has the surveillance tape from the ~~factory~~ ^{store}. I am in the process of scheduling an appointment for Ms. May to view said tape. After she have viewed the tape she will contact you to let you know what actions she will take next.

Should you have any questions, please contact me at the above-referenced number.

I am, with warmest

Regards,

Marsha Campbell
Legal Assistant to Cynthianther L. May

13

THE COCHRAN FIRM

MOBILE

401 CHURCH STREET • MOBILE, ALABAMA 36602
TELEPHONE: (251) 434-9993 • FAX: (251) 434-9995
WWW.COCHRANFIRM.COM

August 5, 2005

Mr. Louise Stinson
6624 Stable Gate Court
Montgomery, Alabama 36116

RE: ATTORNEY FEE

Dear Mr. Stinson:

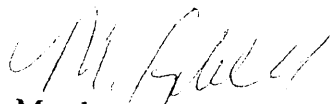
Enclosed please find a receipt for the payment you made in the amount of \$350.00, this leaves you with a zero balance. Per our conversation on Friday, August 5, 2005, as soon as Attorney May receives an appointment to view the surveillance tapes, I will notify you to let you know if it is possible for your to sit in for the viewing.

If you have any questions you may contact me at the telephone number/address listed above.

I am with warmest,

Regards,

COCHRAN, CHERRY, GIVENS,
SMITH, LANE & TAYLOR, P.C.



Marsha Campbell
Legal Assistant to Cynthia L. May

Enclosure

14
ATLANTA • BIRMINGHAM • CHICAGO • DALLAS • DOTHAN • HUNTSVILLE • JACKSON • LAS VEGAS • LOS ANGELES
MEMPHIS • MIAMI • NEW ORLEANS • NEW YORK • ST. LOUIS • TUSKEGEE • WASHINGTON D C

Rena D. Johnson

8-3-2006

State of Alabama

MOTION FOR HELP! MERCY!

Please Someone Listen!

I come before this court for mercy! help! Please do not blame me for the action of my Attorney. For not submitting the right grounds he should have in my Appeal.

Sir/Madam my husband has paid Three Attorneys to represent me in these cases. It seems Sir/Madam All three has been more money oriented then defending me as a client.

Sir/Madam Please continue to read this motion or letter as the Following were valid grounds I have read in the Alabama Rule of Courts, Constitution, laws, etc.

My trial Attorney was ineffective in so many areas but my Appeal Attorney did not include Any of them which I do not understand as he is aware of them

Exhibit D Page 15-20

13

- A. She had no discovery or evidence hearings
- b. She did not file not one motion on my behalf
- C. She refused to let me testify
- D. She did not Allow me to have witness
- E. She notified me less than 16 hours the trial the next morning
- F. She never got back with me about the charges, etc
- G. She did not discuss or obtained Any information From me about the case.

h. I was not Asked where I was, never entered a plea, no arraignment, hearings, etc. Now I just found out Arraignment is barred as AN issued on AN Appeal, And that is one of two issues my Appeal Attorney has raised. Should he know that.

i. On my request for speedy trial, after talking to my classification specialists in 2005, I asked the court them to send me information about the charges, And they never did. After I never got anything back from the court. I tried to set it from her. I sit in a trial unable to say a word, not Allowed to testify, And no one Asked me a questions throughout the total process, Jury selection, the trial, etc.

J. The only chance I got AN opportunity to speak was during sentencing And it seems it went through one ear And out the other then, I wrote the judge in August no reply or respond.

K. I informed her about some actual still shot photos of the victim And the actual person committing the crime. She never went to the DA or Police to obtain the pictures.

L. One of the ladies mention them in her questioning on the stand, neither my attorney or the DA would question her about the pictures or have them produced.

K. I wrote notes After notes of questions for her to ask And she would just pat my hand and say be quiet, I got this under control, etc.

M. She Allowed hearsay - without objecting

N. She did not object to several leading questions by the DA.

O. No Jury instructions provided to the court

Sir, Please I bes you please! or Madam continue to read! I did not commit these crimes!

P. She Allowed a photo line-up showed to the victims A year later after the crime to be Allowed in the court.

Q. She Allowed the DA to do a in-court identification over two years later After the crime.

R. The Jury wanted some valid information that would have been in my defense such as the Actual pictures the victim mention; The hearsay statement the police mention; And the original complaint describes the person. Sir I have very distinctive facial features. And they would have remember. There never was no clear facial expression given or remembered.

My husband went to see the appeal Attorney And mention everything I told him. The appeal Attorney refused to mention the ineffectiveness of the trial Attorney, in the Appeal what else for us to do?

The appeal Attorney did not reply to the OA rebuttal I had very good sound facts to rebuttal the OA/Attorney General reply brief.

Sir/Madam he refused to respond. What could we do?

I requested Oral Arguments before the court it was not done in the brief.

He has now told my husband I have grounds for a Rule 32 which will cost more money as we have paid \$4,500 for the appeal that was submitted.

The second Attorney was hired after sentencing. Attorney Mossas he failed to follow through with the appeal and preparing the necessary paperwork for me to set an appeal bond in trial court or to the court of criminal appeals as I was eligible with my sentence of 20 split five. After I was sentenced he never returned phone calls, visits to his office by my family. He never filed the paperwork for the appeal and paid the fees. He was told everything I told my trial Attorney. He did not file the motion he should have

File to the court. My sentencing transcript reflects those motions he was to file but never did

After weeks of not hearing from him about the status of the appeal, bond we obtained another Attorney on November 21, 2005 and paid him his fee of \$4,500.00 to do the appeal that is before your court. He had agreed to take the case the week of Nov 14, 2005.

Attorney Gossans was notified and he then submitted by him. A motion of Acquittal was finally submitted to the court by Attorney Gossans to keep our money. He did not petition the court from August when he was in 2005. I was sentenced out 24, 2005, no motions filed. No retrial on the constitution issues, ineffective trial counsel, the photos at the police Department, etc. He was not my Attorney no longer after November 14, 2005. But to cover himself he finally submitted a letter to your court to restate an appeal that he did not believe in (As stated in his reply to the State Bar)

Sir/Madam - I did everything I know how. I have relied on three Attorneys. I do not know what else to do. I will continue to pray and believe God will vindicate me as I did not commit these crimes. I had a past gambling problems I wrote checks on my own accounts.

(5)

I Appreciate Any help you can provide in this matter.

What can be done to ensure this do not continue. I wrote the Bar About this Situation And they will not take Any Action.

Sir, Please do not notify my present Attorney about this letter if you can not help me. my husband cannot afford the service of Another Attorney, At the present time. If he get Mad about this letter And quit I do not know what to do, I have so much At stake And I Need help! Please! Please! help!

Rena D. Stinson
APN CC-04-169 H
CR-05-0182

**IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA**

Rena D. Stinson,

Petitioner,

V.

State of Alabama,

Respondent.

)))))))))

CC-2004-1694

ORDER

On March 8, 2007, this Court issued an order instructing the Petitioner to file a petition that complies with Rule 32 within thirty(30) days. Since the Petitioner failed to file a petition, this case is hereby dismissed without prejudice.

Done this 24 day of April 2007.

/s/ Truman M. Hobbs, Jr.
TRUMAN M. HOBBS, JR.
CIRCUIT JUDGE

cc: Rena D. Stinson
Ellen Brooks

Exhibit E pages 20-22

Q1

**IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA**

Rena D. Stinson,

Petitioner,

V.

State of Alabama,

Respondent.


)
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CC-2004-1694

ORDER

The request to proceed In Forma Pauperis is granted. Petitioner seeks to attack her conviction and, therefore, she must file a Rule 32 petition. Petitioner is hereby given thirty(30) days to file a petition that complies with Rule 32.

Done this 7 day of March 2007.


TRUMAN M. HOBBS, JR.
CIRCUIT JUDGE

cc: Rena D. Stinson

Exhibit F

१२

1 question her. You're going to hear the
2 defendant admit, hey, I have got a gambling
3 addiction. I have got a gambling problem.
4 Okay. She admitted she had a gambling
5 problem.

6 Again, ladies and gentlemen, that's the
7 case. I submit that's the evidence you're
8 going to hear today. At the end of the case
9 after hearing all the witnesses and seeing all
10 the evidence, I'm going to ask that you find
11 Ms. Rena Stinson guilty of theft of property
12 in the first degree for taking thirty-five
13 hundred dollars from Ms. Anderson, theft of
14 property in the first degree for taking nine
15 thousand five hundred dollars from Ms. Carol
16 Ray and theft of property in the second degree
17 for taking fifteen hundred dollars from Ms.
18 Eva Williams. Thank you very much.

19 MS. MAY: May it please the Court.
20 Ladies and gentlemen of the jury, my job at
21 this particular juncture of this trial is to
22 give you a glimpse into what you will see and
23 what you will hear today. One thing that you
24 will hear is testimony. But the people giving
25 the testimony, they are elderly people.

Exhibit B 23

STATE OF ALABAMA

VS

Rena D. Stinson

IN THE CIRCUIT COURT OF

Montgomery
County, Alabama

95-1125

00-557

03-1574

03-5081

04-1694

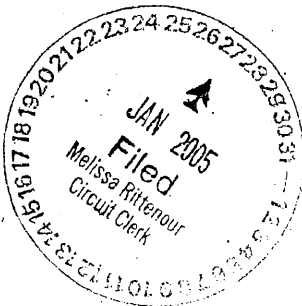
MOTION FOR A SPEEDY ~~TRIAL~~

Comes now, Rena D. Stinson, defendant in the above styled case and would move this Honorable Court for a trial at the earliest date possible date.

I have been notified by the Alabama Department of Corrections that a detainer has been placed in my institutional file and I make this motion in order to expeditiously dissolve said detainer.

Respectfully submitted this 19 day of January, 2005.

Rena D. Stinson
Defendant signature



AIS # 234171 Dorm # 9
Julia Tutwiler Prison for Women
8966 U.S. Highway 231 North
Wetumpka, Alabama 36092-5343

Also, Please let me know what charges are pending Against me. The victims AND Amounts AND any other information you can send me.

Thanks

cc. 2004-1694 - Arraignment Date was 12/20/04
Case Action Summary enclosed

Exhibit H 24

1 theft of property second degree. That Rena
2 Stinson knowingly obtained by deception the
3 control over the property of Ms. Williams,
4 more specifically her money, that such
5 property exceeded two hundred fifty dollars in
6 value but did not exceed a thousand dollars in
7 value and that Ms. Stinson acted with the
8 intent to deprive the owner of her property.

9 If you find from the evidence that the
10 State has proved beyond a reasonable doubt
11 each of the above elements of the offense of
12 theft property second degree as charged, then
13 you shall find the defendant guilty of theft
14 of property second degree.

15 On the other hand if you find that the
16 State has failed to prove beyond a reasonable
17 doubt either one or more of the elements of
18 the offense of theft of property second
19 degree, then you cannot find the defendant
20 guilty of theft of property in the second
21 degree.

22 In a moment we are going to let you go
23 back into the jury deliberation room back
24 here. When you do so, I want you to use your
25 knowledge of people and their affairs. That's

Exhibit J

26

1 what we call common sense. That's why we have
2 got y'all in here today is to bring your
3 common sense to bear in this case. In
4 arriving at your verdict, do not allow
5 sympathy, prejudice or emotions to influence
6 you.

7 Furthermore, don't base your verdict on
8 any preconceived, popular or unpopular
9 verdict. As you know, your verdict is
10 strictly based on the evidence presented and
11 the law that applies to the case.

12 I will explain to you before you could
13 reach a verdict all twelve of you must agree
14 on the verdict. It cannot be a split
15 verdict. It must be a unanimous decision.

16 The first thing you need to do is select
17 someone to act as your foreperson. A
18 foreperson's opinion is not entitled to any
19 more weight than anybody else's opinion but
20 simply to act as spokesperson. Discuss the
21 case. If you have a question, write the
22 question down on a piece of paper, knock on
23 the door at the other end of the room and we
24 will come get the question. That's about the
25 last thing I can promise you is that we will

Exhibit J continue

27

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

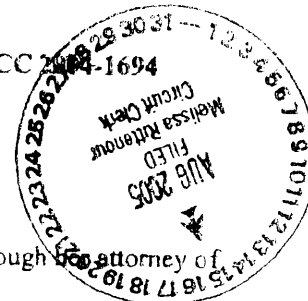
STATE OF ALABAMA
Plaintiff,

v.

RENA STINSON
Defendant.

CASE NO. CC 2005-1694

MOTION TO CONTINUE



COMES NOW, the Plaintiff, **RENA STINSON**, by and through her attorney of record, **CYNTHIAN THER L. MAY** and files this *Motion to Continue* in the above-referenced matter and will show unto the Court the following:

1. This matter is set for trial on August 15, 2005.
2. Counsel has relocated to Mobile County, Alabama ; in June 2005, prior to counsel's relocation, said counsel notified the Court of her relocation via U. S. mail.
3. On July 7, 2005 or thereabout, counsel contacted the Court via telephone and received verification of the Court's receipt of counsel's relocation letter.
4. Counsel was not notified by the Court, of Mrs. Stinson's status or trial date.
5. Counsel became aware of Mrs. Stinson's court dates after receiving a return phone call from Brandon Hughes, the prosecutor.

WHEREFORE, the premises considered, the Defendant prays that this Honorable Court will set this matter to a later date, which will allow time for defendants transport and counsel preparation for trial.

Respectfully submitted this the 10th day of August, 2005.


CYNTHIAN THER L. MAY (MAY039)
Attorney for Defendant

OF COUNSEL:
COCHRAN LAW FIRM P.C.
401 Church Street
Mobile, Alabama 36602
Telephone: (251) 433-6500
Facsimile: (251) 434-9995

Exhibit 2

25

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

STATE OF ALABAMA

VS

RENA D. STINSON

DEFENDANT

Denied

DATE CASE NUMBER 11/04/001694

TRUMAN M. HOBBS, JR.
CIRCUIT JUDGE

MOTION FOR NEW TRIAL

I Rena D. Stinson come before the circuit court of Montgomery County. I am asking for a retrial, I can prove beyond a reasonable doubt I am innocent of my charges. I am charged with

Judge Hobbs I am asking for the mercy of the court for not only my life but for the victims also. Judge the Real offenders are still out there. I know you heard these arguments before, but I'm sure if I am granted a new trial I will prove my innocence.

Judge Hobbs when I was first questioned about these incidents in April 2004. The detectives informed me the crimes involved two ladies and a man. The detectives stated they had photos from the bank. And maybe video from Walmart. When I was put on trial none of this came out. It was all put on Rena Stinson. The jury was never informed that there were 3 offenders. The victims never mentioned there were 3 offenders. Judge Hobbs I was never picked out of a line up. Detective Roberts took a 2000 drivers license of me blew up my lips, eyes, and nose to fit the description of the offenders they were looking for. They put my name Rena D. Stinson and put it by the blown up photo. The elderly victims signed a statement a year later after being fooled by the detectives. Judge Hobbs I have distinctive moles all in my face and light brown eyes. This would have been clearly noticeable to anyone. I have my original 2000 drivers license photo for you to compare. Judge you, the victims and jury will clearly see the difference.

Judge this is a case where no hard work was put into this investigation. No hard work by the detective or my attorney. I had a past gambling problems, I wrote checks only on my own, personal and business account. I owned up to my problems and charges and served time for them. Judge Hobbs I owned a home health agency for four years. I was providing services to the elderly for the STATE OF ALABAMA. My 25 staff members and I provided services such as home making, cleaning, cooking, taking to doctor appointments, taking to the bank, grocery store, bathing, and other services as needed. I've never had one complaint against my staff or I in the four years

Judge Hobbs, I am asking for you to Review my past and see everything I'm telling you is true I've never took advantage of anyone ever.

Judge Hobbs, when these crimes were committed I was again working providing services to the Department of Human Resources family and children services throughout several counties in Alabama in 2003. A staff of 30 members including myself providing counseling, behavior aids, tutoring, parenting to teen mothers, talking to banks, grocery store, schools and all other needs. I've worked with over 200 families, I didn't have one single complaint against I or my staff.

Judge I'm asking for a New TRIAL on the grounds of:

① Ineffective counsel.

① My lawyer wasn't prepared for trial she only gave me a 16 hour notice of taking this trial

② My lawyer never ask if the juror knew any of the victims or were related to any of them.

③ My lawyer never ask did any juror members here any thing about this case on TV, Radio, and newspaper.

④ My lawyer didn't ask for the discovery to be presented which would have cleared me. Such as videos or photos or DNA ~~test~~ claim to have.

⑤ My lawyer refused to allow me to testify even after I asked several time to be able to hit the stand.

⑥ My lawyer allowed hearsay to be allowed in court with no objections

⑦ My lawyer never presented me with an indictment

⑧ I was never given a preliminary hearing or arraignment

⑨ My Sixth Amendment rights were totally violated

⑩ My lawyer never objected to the leading of witnesses.

⑪ My lawyer never allowed me to review the jury list to see if I knew any of the jurors.

⑫ Not prepared for trial.

① Judge I wasn't able to get witnesses on my behalf. Witness that could testify to my whereabouts, my character.

② I wasn't allowed to get witnesses from employers, church, or husband of 31 years, or former employees.

Judge Hobbs: I close my motion with if I were granted a New TRIAL I can prove I didn't commit these crimes. I don't have it ~~en~~ in my heart to hurt anyone. I want to clear my name as well as get the real offender caught. This has not only effected me but my husband, children, siblings and church members. I ask you to find it in your heart to give me a chance to prove my innocence. I care about people inspite of my past. I have work with elderly people my whole life and love doing so. I'm asking for the mercy of the court for only the truth to come out. I'm not guilty of these crimes. Judge Hobbs I pray that these motions touches you. I only want justice. Judge Hobbs if I'm granted a fair trial I can prove this was not me. I know you are very busy but ask for you to review the facts and grant me a New Trial.

Subscribed and sworn to before
me this 4 day of January 2006
My commission expires 06/27/07

Berna D. Stone

1 the person who they was looking for.

2 God knows I did not do this,
3 sir. I am sorry I favor the person who
4 did it but I have never met any of those
5 ladies. During 12/3 when this was going
6 on, sir, I was working on a job. I had a
7 contract with the state. I had never had
8 a chance to even get on the stand to
9 testify. My sympathy and heart goes out
10 to these ladies. My attorney told me --

11 THE COURT: Ms. Stinson, I'm
12 not going to retry the case.

13 THE DEFENDANT: Okay. I am not
14 asking you to retry the case. What I am
15 trying to add, I never knew all of this
16 until I sit in your courtroom and heard
17 no one -- I never came before you to
18 plead guilty or not guilty.

19 MR. GOGGANS: Ms. Stinson, that
20 is something we will take up at another
21 motion another day.

22 THE COURT: Brandon, did we
23 ever arraign her?

24 MR. HUGHES: I have it down
25 that she was arraigned on December 20th,

Exhibit K 28

RENA D. STINSON

V.

Supreme Court No; 1060338

STATE OF ALABAMA

MOTION TO REINSTATE PETITION FOR WRIT OF CERTIORARI

I, Rena D. Stinson comes before this court asking this court to reinstate Petition for Writ of Certiorari, and states the following:

1. The Court of Criminal Appeal decision on Petitioner Application for Rehearing was received by Petitioner on November 9, 2006. It was typed on November 3, 2006. It was filed on November 6, 2006.
2. It was due within 14 days of November 9, 2006, if I am correct from the information I received, Thursday the due date of November 23, 2006, was Thanksgiving. The state was closed on Thursday and that Friday. Which the new due date was Monday 27, 2006, from the information I received.
3. Enclosed is copies of the letter from the Court of Criminal Appeal dated November 3, 2006, filed November 6, 2006.
4. Enclosed also is a copy of your letter that was received here at the Birmingham Center on today, December 5, 2006. It is typed December 1, 2006, and mailed December 1, 2006.
5. I come before this court asking this court to reinstate the Petition for Writ of Certiorari due to no fault of of Petitioner as enclosed letters and envelopes will confirmed.
6. I pray this court will have mercy and reinstate this Petition as Petitioner has obtained the service of three attorneys and they have not fulfilled their obligations as required. Petitioner asked for the court to appoint an attorney to assist me in this complex case that I can

Exhibit L

29

trust to ensure my Constitutional Rights are protected.

7. If I have filed this Petition untimely it was not due to any fault of the Petitioner that I am aware of.

Done this 5th Day of December 2006.


Rena D. Stinson

Exhibit L

30

COMPLAINT

Name: Corporal W. J. Roberts
Agency: Montgomery Police Department
Copies to: Mayor B. Bright, FBI, 60 minutes, Dateline, etc.

I, Rena D. Stinson bring this complaint against Detective W.J. Roberts of the Montgomery Police Department who because he intentionally withheld favorable evidence against complainter, Rena D. Stinson that would have proved her innocent of the crimes she was charged with regarding film flaming.

Detective Roberts brought with him during his interrogation two sets of pictures that was showned to Rena Stinson and in-turn upon Ms. Stinson seeing the picture stated to Detective Roberts and the white female detective that was present during the interrogation, that now that you have met me, (Ms. Stinson) personally, can't you see that the person you are pointed to in that still shot is not me. Detective Roberts looked and continue to cuse and threaten me to give him the names of people whom I did not know.

THE STILL SHOT PHOTO WAS A PICTURE OF TWO BLACK FEMALES AND A WHITE LADY. ACCORDING TO DETECTIVE ROBERTS DURING THE INTERROGATION THIS WAS SERIES OF CRIMES OF TWO BLACK FEMALES AND A MALE FILM FLAMING ELDERLY LADIES.

HE ALSO BROUGHT WITH HIM A BLOWN UP PICTURE OF MY 2000 DRIVER LISCENSE WITH CHANGES MADE TO IT. THIS WAS ADDED TO THE PHOTO LINE UP.

THE STILL SHOT PHOTO NEVER MADE IT TO COURT! IT WAS A CLEAR PICTURE OF THE OFFENDERS AND ONE OF THE VICTIMS!

ONLY MS. STINSON WAS CHARGED WITH THESE CRIMES AND DETECTIVE ROBERTS HAVE ALLOWED THE THREE PEOPLE WHO COMMITED THESE CRIMES TO BE FREE.

I WROTE CHECKS ON MY OWN PERSONAL AND BUSINESS ACCOUNTS BECAUSE OF A PAST GAMBLING ADDICTION. I SERVE TIME FOR THIS AND HAVE LEARNED A VALUABLE LESSON.

I HAVE WRITTEN A TOTAL OF FOUR LETTERS TO THIS DEPARTMENT TRYING TO RESOLVE THIS IN A PEACEFUL MANNER. I HAVE PAID THREE ATTORNEY WHOM ALL DID NOT OBTAINED THIS VALUABLE EVIDENCE.

THE DISTRCT ATTORNEY I JUST RECENT FOUND OUT HAS THE ACTUAL VIDEO TAPES AND DID NOT ALLOW ONE OF THE ATTORNEYS TO REVIEW THEM AFTER SHE HAD REQUESTED IT.

WHERE ARE THE STILL SHOT PHOTO AND VIDEO TAPES FROM THE CRIMES THAT WILL PROVE MY INNOCENT!!

Exhibit M 30

I HAVE BEEN DENIED MY RIGHT TO LIFE AND LIBERTY BECAUSE OF BECAUSE OF DETECTIVE ROBERTS ACTION.

ALL OF THIS COULD HAVE BEEN AVOIDED IF HE HAD DONE THE RIGHT THING AND NOT WITHHELD THOSE STILL SHOT PHOTO THAT HE BROUGHT WITH HIM DURING HIS INTERROGATION. HE KNEW IT WAS NOT ME OR HE WOULD NOT HAVE WITHHELD THEM. IT WAS EVIDENCE THAT WOULD HAVE PROVE ME NOT QUILTY.

THIS CRIME WAS IN THE NEWSPAPER, RADIO , TV ACCUSING ME OF THESE CHARGES.

THE DISTRICT ATTORNEY PLAYED A ROLE ALSO AS ONE OF THE PROSECUTOR POINTED MS. STINSON OUT BEFORE THE TRIAL TO ONE OF THE VICTIM, AND THEN PUT THE VICTIM ON THE STAND HOURS LATER AND ASKED HER DO SHE SEE MS. STINSON IN COURT AND WHAT IS SHE WEARING.

MY HUSBAND, AND SIBLINGS CAME TO YOUR DEPARTMENT WHEN THIS HAPPEN AND YOUR DEPARTMENT REFUSED TO ALLOW THEM TO SEE THE STILL SHOT PHOTO AND THE VIDEOS ALSO.

I HAVE BEEN SERVING TIME OVER A YEAR FOR CRIMES I DID NOT DO!

I WILL CONTINUE TO PURSUE THIS AND WHATEVER IT TAKES I WILL CONTINUE TO FIGHT FOR MY FREEDOM.

I WILL BE VINDICATED FOR THESE CRIMES. I DO NOT KNOW WHEN ONLY GOD KNOWS! I AM TRUSTING IN HIM AS I DO ALL I CAN DO!

Major McQueen in response to your letter, was a still shot phto in the file that you reviewed. IT WAS BROUGHT TO ME AND IT IS NOT ME!!

YOUR DEPARTMENT WENT ON TV SOLICITING THE PUBLIC HELP WEEKS LATER AND SHOWED ONE OF THE LADIES THAT WAS ON THE PICTURE THAT WAS PRESENTED TO ME. LOOKING FOR HER IN CONNECTION TO THE CRIMES.

I MET A LADY IN PRISON LOLITA VEREEN WHO LOOKS LIKE ONE OF THE LADY IN THE PICTURE. I AM NOT SURE OF THE SPELLING OF HER NAME SHE WAS SENTENCED IN MONTGOMERY AND WAS AT LIFE TECH THE LAST TIME I TALKED TO SOMEONE AT JULIA T. PRISON.

Rena D. Stinson
RENA D. STINSON

Exhibit m 31